

DRAFT

Town of New Boston Selectmen's Meeting June 28, 2016

<u>PRESENT:</u>	Joe Constance	Selectman
	Rodney Towne	Selectman
	Christine Quirk	Selectman
	Peter Flynn	Town Administrator

Present in the audience for all or part of the meeting Dan Donovan, Sr., Dan Donovan, Jr., Brandon Guida, Esq., and Town Counsel Bart Mayer, Esq.

A. APPOINTMENTS:

Item 1: Donovan-Discussion Re: Tax Abatement:

Rodney Towne stated that the Donovans were planning on building another facility in Town and had discussed the possibility of being granted tax abatement. He explained that following discussions with Town Counsel it had been determined that a tax abatement could not be granted. He continued that Dan Donovan had requested to speak with the Board to determine if there was anything else that could be done.

Dan Donovan stated that he had purchased and renovated his first facility in 1995, built his second facility in 2006 and built his third facility in 2015. He gave a brief history of how each facility was established and explained the services provided to the residents of his facilities. He explained that there were extraordinary upfront costs associated with the start-up of his facilities. He asked if there was anything the Town could do to assist him monetarily during the start-up phase of the process.

Dan Donovan's attorney, Brandon Guida, asked Town Counsel to explain the Town's conclusion on the abatement of tax and good cause. Town Counsel referenced the case *Barksdale v. The Town of Epsom* and explained that the New Hampshire Supreme Court had said that in the past 150 years there had only been two ways to receive a tax abatement, either inability to pay or disproportionate taxation. Attorney Guida asked for a brief fact background of the case. Town Counsel stated that the Town of Epsom was offering abatements to families who withdrew their children from the public schools and sent them to private schools. He continued that the Court had ruled that withdrawing children from public schools was not a basis for receiving abatement.

Town Counsel suggested that the Town Assessor be consulted for the possibility of using an income approach to value the project, i.e., review the income and expenses for the first few years of the business and "ramp up" the value as the income became stabilized. Rodney Towne believed the Board should discuss this possibility with the Town Assessor.

Attorney Guida acknowledged that the Supreme Court had made a ruling with regard to good cause shown but noted that the Supreme Court was not responsible for writing laws. He did not believe that the legislature had limited the basis for allowing tax abatements to either an inability to pay or disproportionate taxation.

Joe Constance stated that he was not against this, as he believed good cause had been shown but he was concerned with the precedent the Board would be setting. He wanted to move forward with a conservative approach and speak with the Town Assessor.

Dan Donovan stated that he would move forward with his project in New Boston because New Boston was important to him. Rodney Towne stated that he wanted to find a way to reward the business owners in Town that operated reputable businesses.

Item 2: Request for Non-Public

Joe Constance moved that the Board go into non-public per RSA 91-A:3, II, (a)(b)(c) Personnel and Legal-Seconded by Christine Quirk

Roll Call vote: Joe-yes, Christine-yes and Rodney-yes

The Board went into Non-public at 2:30pm and came back into public session at 2:44pm.

ADJOURNMENT: Joe Constance made a motion to adjourn the meeting at 2:45pm. Rodney Towne seconded the motion. All were in favor. 3-0

Prepared by Valerie Diaz

Non Public Session

June 28, 2016

Present –Christine Quirk, Chair
Rodney Towne, Selectman
Joe Constance, Selectman
Also, Town Administrator Peter Flynn

The Town Administrator reported that three weeks prior he had a discussion with Dick Perusse regarding a sweeper. He continued that Dick had shared with him that the sweeper was a piece of junk and would cost too much money to rehab. He stated that Dick had found a sweeper that could be purchased through a dealer using funds from his block grant. He told Dick that the purchase needed to be run by the Board for approval.

The Town Administrator advised that he had sent Dick an email to follow-up about scheduling time to speak with the Board. He shared that Dick came to his office and told him that he had already purchased the sweeper. He stated that he had told Dick that he should not have purchased the \$20K sweeper without approval from the Board. He pointed out that the Town was dealing with unanticipated expenses due to the bookkeeping issues and was operating on a default budget.

The Town Administrator noted that Dick had spoken with Rodney and Joe about the purchase of the sweeper but not with the Chairman, Christine Quirk; he was disappointed that protocol was not being followed.

The Town Administrator shared a conversation between Joe Constance and Dick where Dick had stated that he did not consider the Town Administrator to be his boss. He went on to say that he had been appointed by the Board five years ago to be the Chief Executive Officer of the Town under the purview of the Board. He asked the Board for clarification on whether or not he was considered Dick's boss. Joe Constance noted that the conversation referenced by the Town Administrator had taken place six months prior. The Board acknowledged that the Town Administrator was Dick's boss. The Town Administrator advised that he was going to write a letter of reprimand and place it in Dick's personnel file that would address this matter.

The Board agreed to back-up the Town Administrator and schedule this matter for discussion during the non-public session of the July 5, 2016, meeting.

Joe moved to come out of non-public session at 2:44pm. All voted yes 3-0